IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1193 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr.A.S.Shitole, APP for the appellant/State.

Mr.Nitin Pradhan, Senior Advocate with Ms.S.D.Khot for the Respondent

Coram : R.S.Mohite,J

Date : 7.2.2006.

PC

1. This is an appeal filed by the State impugning a judgment and order passed by the Special Judge, Thane, on 15.6.2004, in Special Case No.9 of 1999, acquitting the accused for the offence punishable under Sections 7, 13(1) (d) r/w Section 13(2) of Prevention of Corruption Act. On perusal of the impugned judgment and order, it is seen that the same is based on cogent and acceptable reasons. The prosecution case was that the accused was a shop inspector and that accused demanded bribe of Rs.5000/- for renewal of the shop license and transfer of the

same in the name of the Complainant. The first demand is said to have been made by the accused on 22.4.1998. The Complainant however, approached the Anti Corruption Bureu only on 6.5.1998. The Court has held that there was a gross delay in approaching Anti Corruption Bureu particularly when the Complainant was a Special Executive Magistrate as well as a general secretary of an organisation known as Removal of injustice and Eradication of Corruption. The explanation of the complainant that he could not make arrangement of Rs.1500/- which has been dis-believed on the ground that the evidence indicated that the complainant had paid Rs.8000/- per month and had 4 employees to whom he paid salary. There is no corroboration of the evidence pertaining to demand. Apart from this fact the evidence of the complainant is at variance with the prosecution case. The prosecution case was that notes having anthracene powder were put into a drower at the behest of the accused.

The complainant stated that they were given in the hand of the accused and anthracene powder was found at the hand of the accused. As far as evidence of the panch witness is concerned, the same has been dis-believed on the footing that he was a government servant and that there was a material improvement in his evidence. No anthracene powder was found on the hands of the accused. Amongst these and other grounds accused have been acquitted. I find that the view taken is a possible view. In the circumstances, leave is refused and consequently, appeal to stand dismissed.

(R.S.Mohite,J)